



EMERGENCY LISTING OF THE TUMBLING CREEK CAVESNAIL QUESTIONS AND ANSWERS

The U.S. Fish and Wildlife Service is emergency listing the Tumbling Creek cavesnail. The following frequently asked questions are provided with responses to help you understand the emergency listing.

1. What is the Tumbling Creek cavesnail?

The Tumbling Creek cavesnail (*Antrobia culveri*) is a small unique aquatic snail that is only known to live in one Missouri cave. No other snail species is closely related to it, so it likely has existed in the isolation of this single cave stream for a very long time.

2. Where does the Tumbling Creek cavesnail live?

The Tumbling Creek cavesnail only occurs in the cave stream of a single cave in Taney County in southwestern Missouri. Searches of nearby caves and springs have failed to find any more Tumbling Creek cavesnails.

3. Why is it important to protect the Tumbling Creek cavesnail?

When it passed the Endangered Species Act, Congress stated that endangered and threatened species have actual and potential aesthetic, ecological, educational, historical, recreational, and scientific value, and they should be protected and maintained for these values. In particular, the Tumbling Creek cavesnail is an example of unique and diverse species that have evolved as a result of the isolation and unique conditions provided by caves and cave streams.

Endangered species, such as the Tumbling Creek cavesnail, often are indicators that the environment has experienced some degree of deterioration that is affecting some, or all, species in the area. Their decline indicates that we should be taking corrective action while the deterioration can still be corrected, and before it becomes widespread and impacts many other species, including ourselves.

4. What is an “Emergency listing” under the Endangered Species Act?

The Act gives the Service the authority to list species as endangered on an emergency basis. This authority is rarely used, and only when the threats to a species are so immediate that it faces a significant risk to its if the Act’s protections are delayed until the Service carries out the normal steps for listing a species as threatened or endangered.

An emergency listing provides a species with all the protections of the Act immediately upon the regulation’s publication in the *Federal Register*. There is no requirement for preliminary coordination or consultation with parties outside the Department of Interior or for a public comment period. However, the protection ends after 240 days, unless the Service completes the normal steps to list the species during that 8-month period. Thus, we generally publish a listing proposal and open up a 60-day comment period on the same day the emergency listing regulation

is published.

5. Why is the Tumbling Creek cavesnail being listed under the emergency provisions of the Act?

Surveys conducted during 2001 showed that the population of the cavesnail has dramatically declined over the last two years. In fact, throughout 2001, biologists have not found any cavesnails in the section of the stream where they had been routinely found since standardized surveys began in 1996. This rapid reduction in numbers indicates the species needs immediate attention to avoid extinction. Emergency listing provides increased protection, funding, and other capabilities immediately, without first having to go through the normal listing process.

6. Why hasn't the Service listed the Tumbling Creek cavesnail before now?

The Tumbling Creek cavesnail has been on our radar screen for many years; it was added to our Category 2 Candidate Species list in 1989, and elevated to Category 1 Candidate status in 1991. Three surveys conducted in Tumbling Creek Cave from 1991 through 1993 indicated that the cavesnail population had declined dramatically over those years. However, due to differences in survey methods, there was no way to determine the magnitude of the decline or if it was continuing. In addition, it was believed that the number of live cavesnails fluctuated greatly throughout the year, making it more difficult to accurately measure population trends. To obtain more conclusive information, we initiated a long-term monitoring program in 1996. In late 2000, the data from that program showed conclusively that the species was steadily declining, and in fact had declined to the point that Federal listing under the Act was warranted.

However, at that time the Service had inadequate funding to undertake any additional listing actions that year, so we could not initiate work on a listing proposal for the cavesnail. We increased the frequency of the monitoring surveys, and the data continue to show that an extremely small population of cavesnails survives in the cave. For this reason, we decided to initiate emergency listing as soon as listing funding became available.

7. What protections does the Tumbling Creek cavesnail receive from Emergency listing under the Act?

Species that are emergency listed gain all the normal protective mechanisms the Act provides to any listed species. These include protection from collection, harm, harassment, and requirements that federal agencies consult with the Service before taking actions that may adversely affect the species. The only difference for emergency listed species is the duration of the protection – it begins immediately, but it ends after 240 days. Thus, if a species faces imminent extinction or will experience irreparable population declines that may prevent its future recovery, this immediate, temporary protection may be crucial to a species' survival and recovery.

8. What is the process for changing an emergency listing into a long-term listing?

An emergency listing ends 240 days after it takes effect, unless during that period the Service goes through the normal steps for listing a species. Those steps include publishing the proposed listing regulation in the *Federal Register*, opening a public comment period on the proposal,

reviewing comments and other new information, and publishing the final decision in the *Federal Register*. The Service has started this process for the Tumbling Creek cavesnail by publishing the proposed regulation on the same day that the emergency rule was published. That proposal also announced the beginning of the 60-day comment period. We expect to make a final decision on the listing by the end of the 240-day emergency listing.

9. How will long-term protection as “Endangered” help the cavesnail?

Being listed as “endangered” means the species is on the brink of extinction. The Act provides special protections and additional funding to pull endangered species back from the brink of extinction. The Act prohibits “taking” the species on public or private land, protects it from extinction due to actions of Federal agencies, requires developing and implementing a recovery plan for the species, and encourages the cooperation of agencies, organizations, and interested individuals in saving the species from extinction. Even though the cavesnail’s population has dropped dramatically in recent years, we believe the strict protections of the Act and the funding that will be available for researching and improving the water quality in Tumbling Creek will prevent the extinction of this species.

10. Have other species been emergency listed?

Emergency listing is done very rarely. Since 1999, only four other species have been listed under the emergency provisions of the Act. The Sierra Nevada population of California bighorn sheep and the Santa Barbara County population of the California tiger salamander were emergency listed in 1999 and 2000, respectively. Both were subsequently listed as endangered. In November 2001, the Service emergency listed two other species, the Carson wandering skipper, a butterfly found in California and Nevada, and the Columbia Basin pygmy rabbit in Washington.

11. How can I comment on the proposal?

The publication of the proposal opened a 60-day comment period. During that time individuals wishing to comment on the proposal may mail their comments to:

U.S. Fish and Wildlife Service
Room 200, 608 East Cherry Street
Columbia, Missouri 65201-7712

Comments may also be hand delivered to that office during normal business hours or faxed to that office at: 573-876-1914

Comments must be received by February 25, 2002, to be considered in the final decision.

12. How can I get more information?

A copy of the emergency rule, the proposal rule, a species fact sheet, and other information can be obtained by writing the above office, by phoning (573-876-1911), or by visiting the Service’s Region 3 Web site at <http://midwest.fws.gov/endangered/>. Hearing-impaired and speech-impaired individuals may reach this office through the Federal Relay Number at 1-800-877-8339.

Much of the U.S. Department of the Interior is temporarily isolated from the Internet. As a result, most Fish and Wildlife Service Web pages and many of our E-mail addresses currently are unavailable. Therefore, we recommend that you contact us by phone or facsimile to get more information on the cavesnail.

During the time that our Web pages are unavailable, Federal Register Online can be used to search for, and download, copies of the Tumbling Creek cavesnail emergency listing rule and the listing proposal. Go to "http://www.gpo.gov/su_docs/aces/aces140.html" and follow these steps:

1. For Federal Register Volume select "2001 Federal Register, Vol. 66".
2. For Federal Register Section select "Final Rules and Regulations" and "Proposed Rules".
3. For Issue Date select "ON" and type "12/27/2001".
4. Type "cavesnail" in the Search Term box.
5. Click "Submit".
6. After the search results appear, click on "Summary" to be sure you have the right documents.
7. Then select either the PDF version or the HTML version to open or download.

Note that there will be two cavesnail Federal Register documents that you should download: the emergency listing rule and the proposed rule.

December 2001